



ASSISTANT CITY ATTORNEY

Purpose:

To actively support and uphold the City's stated mission and values. To provide a wide range of professional legal services to the Mayor, City Council, City departments and various boards and commissions; to represent the City in litigation, including prosecuting criminal legal matters as assigned; and to provide assistance to the City Attorney as assigned.

Supervision Received and Exercised:

Receives general direction from the City Attorney or from other supervisory or management staff.

Exercises functional and technical supervision over legal, administrative and support staff.

More experienced attorneys may be called upon to mentor and assist in the professional development of less experienced attorneys.

Distinguishing Characteristics:

The Assistant City Attorney classification encompasses both the entry-level and full journey-level positions in a generalist capacity. Incumbents may be responsible for performing civil and/or criminal legal responsibilities depending on where assigned. For vacancies, experience requirements may differ depending upon the needs and requirements of the City Attorney's Office. Incumbents placed higher than the minimum salary are distinguished by the ability to perform the full range of duties assigned including previous experience in civil litigation/transactions and/or criminal prosecution..

Essential Functions:

Duties may include, but are not limited to, the following:

When assigned to Civil Division - Transactional:

Effective June 2001

Revised January 2002

Revised April 2004 (unclassified to classified status)

Revised September 2005 (inclusion of prosecutorial assignments)

Revised February 2006 (inclusion of litigation assignment)

Revised September 2007 (clearly defined task by assignment – experience reduced to a min. of 3 years)

Revised April 2010 (update job duties, exp when assigned to Water, and added examples of physical and/or mental activities)

Revised November 2013 (classified to unclassified for new employees)

Revised August 2014 (update job duties, and supervision received)

CITY OF TEMPE

Assistant City Attorney (continued)

- Attend meetings with department officials and employees to discuss legal questions, code enforcement policies, impacts of planning decisions and procedures to be followed in various actions.
- Participate in interdepartmental group meetings to draft new ordinances and amendments to existing City ordinances.
- Review City violations of zoning, tax, building safety and nuisance ordinances; and possibly advise and coordinate code enforcement practices and procedures relative to violations.
- Represent the City in hearings before administrative agencies.
- Assist department heads in establishing departmental policies by applying legal points and procedures; recommend changes in policies and procedures in order to meet legal requirements.
- Prepare legal opinions on proposals submitted to the City Attorney's office by City Council, boards and commissions and departments; and research, draft, and propose new legislations or changes to existing legislation as required.
- Represent the City at Planning and Zoning Commission meetings and serve as legal advisor to the commission.
- Advise City Clerk's office on legal questions regarding elections.
- Review City real estate transactions for completeness and legality; and draft development agreements, purchase and sale agreements, easements and other documents concerning real property.
- Respond to and resolve difficult and sensitive citizen inquiries and complaints; review and supervise the investigation of complaints; and recommend resolutions to complaints.
- Review legal forms such as bids, contracts and bonds for services and supplies to the City.
- When called upon, mentor and assist in the professional development of less-experienced attorneys on staff.
- Assist in the supervision and evaluation of support staff in the City Attorney's Office.

CITY OF TEMPE

Assistant City Attorney (continued)

- Study new legislation and recently decided case law; attend continuing legal education seminars; and attend Council meetings as needed.
- Perform related duties as assigned.

When assigned to Criminal Division:

- Represent the City in criminal litigation in State and Federal court; prepare pleadings, substantive and procedural motions, discovery and trial exhibits and filings; and try cases until dismissed, settled or determined by court or jury.
- Represent the City in State and Federal Appellate court and in arbitration matters; perform legal research; and prepare appellate briefs and oral arguments.
- Prosecute traffic, criminal code and zoning violations and comparable cases in City courts; prepare legal pleadings; research technical and scientific aspects of evidence; negotiate plea agreements; formulate trial strategies; and interview and prepare witnesses to testify at trial.
- Contact attorneys and defendants regarding pending cases; collect and provide discovery to defendants and defense attorneys; determine amounts and appropriateness of restitution to be paid by defendant to victims of crimes; monitor compliance with ordered restitution payment; determine terms and conditions of probation; and monitor compliance.
- Attend meetings with department officials and employees to discuss legal questions, code enforcement policies, personnel policies, impacts of planning decisions and procedures to be followed in various actions.
- When called upon, mentor and assist in the professional development of less-experienced attorneys on staff.
- Assist in the supervision and evaluation of support staff in the City Attorney's Office.
- Study new legislation and recently decided case law; and attend continuing legal education seminars; attend Council meetings as needed.
- Perform related duties as assigned.

When assigned to Civil Litigation:

- Represent the City in civil litigation in State and Federal court in areas such as tort, real estate, contracts, forfeitures, tax hearings, housing hearings, and/or bankruptcy claims;

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CITY OF TEMPE

Assistant City Attorney (continued)

prepare pleadings, substantive and procedural motions, discovery and trial exhibits and filings; and try cases until dismissed, settled or determined by court or jury.

- Represent the City in State and Federal Appellate court and in arbitration matters; perform legal research; and prepare appellate briefs and oral arguments.
- Represent the City in hearings before the City's Merit Board, the EEOC, and other administrative agencies.
- When called upon, mentor and assist in the professional development of less-experienced attorneys on staff.
- Assist in the supervision and evaluation of support staff in the City Attorney's Office.
- Study new legislation and recently decided case law; attend continuing legal education seminars; and attend Council meetings as needed.
- Perform related duties as assigned.

When assigned to the Water Utilities division of the Public Works Department:

- Attend meetings with department officials and employees to discuss legal questions, code enforcement policies, impacts of planning decisions and procedures to be followed in various actions, concerning water law issues. Topics may include water rights, water supplies, water quality, reclaimed water and reuse, water and wastewater utility financing, water and wastewater infrastructure, and related regulatory, land use and administrative law.
- Participate in interdepartmental group meetings to draft new ordinances and amendments to existing City ordinances concerning water issues.
- Represent the City in state and federal court litigation, including appellate courts; prepare pleadings, discovery documents and exhibits, present oral arguments, and conduct all necessary preparation including working with expert witnesses and outside counsel; conduct hearings before administrative agencies; and perform other litigation duties relating to water and wastewater issues.
- Assist department heads in establishing departmental policies by applying legal points and procedures; recommend changes in policies and procedures in order to meet water law requirements.
- Prepare legal opinions on proposals submitted to the City Attorney's office by City Council, boards, commissions and departments; research, draft, and propose new

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CITY OF TEMPE

Assistant City Attorney (continued)

legislation or changes to existing legislation concerning water-related issues, as required.

- Draft and negotiate contracts and other agreements including settlements with regulatory agencies, governmental and non-governmental entities, and Indian communities.
- Work collaboratively with governmental and non-governmental entities to represent the City's interests in regional and national water matters, including drafting multi-party agreements to resolve water disputes and related issues.
- Advise City Council and departments on legal questions, opinions, recommendations, ordinances, resolutions and internal City documents concerning water matters, and conduct necessary legal research.
- Proactively support the City's water interests by participating in stakeholder working groups concerning regulatory changes and legislation; recommend resolutions for sensitive citizen inquiries and complaints concerning water law.
- Review legal forms such as bids, contracts and bonds for services and supplies related to water and wastewater matters.
- When called upon, mentor and assist in the professional development of less-experienced attorneys on staff.
- Assist in the supervision and evaluation of support staff, externs, and clerks in the City Attorney's Office.
- Monitor and study new legislation and recently decided case law; attend and participate in legislative hearings and meetings to represent and protect the City's water interests; complete required continuing legal education hours; and, attend and participate in City Council meetings as needed.
- Perform related duties as assigned.

Minimum Qualifications:

Experience:

At the entry level, one year of responsible legal experience in criminal or civil litigation/transactional. Some trial work and legal research experience is desirable.

CITY OF TEMPE
Assistant City Attorney (continued)

For positions opened above entry-level, a minimum of three years of professional legal experience, including criminal or civil litigation/transactional and legal research, may be required depending upon the needs and requirements of the City Attorney's Office.

When assigned to the Water Utilities division of the Public Works Department:

Ten years of full-time professional civil transactional experience including three years experience in water and wastewater law, and related regulatory and land use issues is desired.

Education:

Requires a Juris Doctorate from an accredited law school.

Licenses/Certifications:

Membership in good standing with the State Bar of Arizona.

Examples of Physical and/or Mental Activities:

- Work in a stationary position for considerable periods of time
- Operates computers, calculators and other office machines
- Considerable reading and close vision work
- May require working extended hours
- May work alone for extended periods of time
- Other physical attributes essential to the classification

Competencies:

<http://www.tempe.gov/home/showdocument?id=26274>

Job Code: 049

Status: Exempt / Unclassified